

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cheyanne Ralph	Team: Squad #2	CCRB Case #: 201806746	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 03/18/2018 3:30 AM	Location of Incident: 48th Precinct Stationhouse	Precinct: 48	18 Mo. SOL 9/18/2019	EO SOL 9/18/2019	
Date/Time CV Reported Thu, 08/16/2018 2:33 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/16/2018 2:33 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Steven Amico	04768	961614	048 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Steven Mattioli	00000	900482	F S S
2. SGT Kurt Hall	01503	925415	048 PCT
3. SGT Donald Ford	01470	944568	048 PCT
4. SGT Gelono Joshua	03365	930442	048 PCT
5. POM Steven Specca	01874	962116	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Steven Amico	Force: At the § 87(2)(b) Police Officer Steven Amico used physical force against § 87(2)(b)	

Case Summary

On August 16, 2018, § 87(2)(b) filed this complaint with the Civilian Complaint Review Board via telephone. The complaint was initially assigned to Investigator Jeffrey Mulinelli. It was closed pending litigation on September 10, 2018, and reopened on November 16, 2018 at the request of § 87(2)(b). On November 29, 2018, it was reassigned to Investigator Cheyanne Ralph.

At approximately 2:15 a.m. on March 13, 2018, Police Officer Steven Amico and Police Officer Steven Specia of the 48th Precinct responded to a 911 call about a female with a firearm and transported § 87(2)(b) who was in possession of a rifle, to the 48th Precinct stationhouse. Police Officer Amico brought § 87(2)(b) to the desk and asked her for her name. When § 87(2)(b) did not provide her name to him, Police Officer Amico allegedly grabbed § 87(2)(b) upper arm and allegedly struck § 87(2)(b) in the lower right portion of her back approximately five to six times (**Allegation A: Force; Physical Force-** § 87(2)(g) § 87(2)(b) was arrested as a result of this incident and was charged with assault on a police officer (Board Review 01).

No video footage of this incident was found.

Findings and Recommendations

Allegation A: Force- At the 48th Precinct stationhouse, Police Officer Steven Amico used physical force against § 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on November 9, 2018 Police Officer Amico was interviewed at the CCRB on February 25, 2019. Police Officer Specia was interviewed at the CCRB on March 22, 2019. Sergeant Gelono Joshua of the 48th Precinct was interviewed at the CCRB on April 30, 2019.

§ 87(2)(b) stated that when she was brought before the stationhouse desk in handcuffs, Police Officer Amico asked her for her name and she responded with a mix of laughing and crying because she was frustrated with the situation and due to the fact that the officers already had her IDs. Police Officer Amico told § 87(2)(b) that she was being uncooperative and grabbed her upper arm in the area of her bicep with one hand. Prior to this, § 87(2)(b) had not refused to walk at any point, and she did not become physically uncooperative in any way. Police Officer Amico let go of § 87(2)(b) before grabbing her arm in the same location a second time. This time, Police Officer Amico gripped § 87(2)(b) arm very tightly, and she twisted, pulled her arm, and shrugged her shoulders away from him. § 87(2)(b) did not move her feet, try to walk away, or do anything else with her body. § 87(2)(b) did not sustain any visible injuries from Police Officer Amico grabbing her arm, but noted that she had a prior arm injury and by Police Officer Amico grabbing her, it caused pain to her arm.

After grabbing her arm a second time, Police Officer Amico struck § 87(2)(b) in the lower right portion of her back five to six times causing her to fall forward onto the railing between her and the desk. § 87(2)(b) had been standing a few inches from the railing. She stepped back from the railing and fell to the floor. § 87(2)(b) did not see how Police Officer Amico struck

her or what objects he may have used because she was facing away from him. She stated the strikes felt “sharp.” § 87(2)(b) was then lifted to a standing position by officers. § 87(2)(b) had not grabbed Police Officer Amico, swung at him, or attempted to assault him in any way prior to him striking her and she did not initiate any physical contact with him.

Police Officer Amico stated that when they arrived at the stationhouse, § 87(2)(b) was already handcuffed and was taken to the front desk, which had a metal shelf in front of it. § 87(2)(b) was acting combative, cursed, and was moving around a lot by rotating her shoulders to get away from him. She kept repeating, “I was trying to turn the gun in” and that she “did not want a white person touching her.” Police Officer Amico stood directly behind § 87(2)(b) and tried to keep her from moving by extending both of his arms in front of him and held both of her arms. Police Officer Amico did not believe that Police Officer Specca was present at that time and believed that he was putting his firearm in the shelving unit behind the desk. Only Police Officer Amico and the desk sergeant were watching § 87(2)(b) at that time. Police Officer Amico told § 87(2)(b) multiple times that she was being uncooperative and told her to relax as they tried to figure out what was going on. § 87(2)(b) leaned towards Police Officer Amico and it looked like she was trying to spit on him. He also believed that she said that she was going to spit on him. Police Officer Amico in response leaned § 87(2)(b) a hand length away from him with one hand to push her away from him. Police Officer Amico did not do anything else to prevent § 87(2)(b) from spitting on him.

When he pushed her away, § 87(2)(b) grabbed Police Officer Amico’s bulletproof vest and worked her hands downwards. She then without warning used both of her hands to grab his genitals and held onto them for approximately 3-4 seconds causing Police Officer Amico pain. Police Officer Amico could not recall if § 87(2)(b) said anything to him prior to grabbing his genitals. Police Officer Amico in response used one of his arms and pushed § 87(2)(b) forward a second time as he backed away from her. § 87(2)(b) did not fall as a result of this push and Police Officer Amico did not push § 87(2)(b) over the metal shelf in front of the desk. Police Officer Amico stated that § 87(2)(b) was standing against the metal shelf at the time she grabbed his genitals, but he never saw § 87(2)(b) on the floor in front of the desk and denied ever striking her in response to her grabbing his genitals. Approximately 2-3 other uniformed officers and Police Officer Specca then came over to assist Police Officer Amico by grabbing § 87(2)(b) and bringing her to the holding cells. Police Officer Amico did not strike § 87(2)(b) and denied seeing any officer do so.

Police Officer Specca stated that when he entered the stationhouse, he went to the left of the stationhouse in a sub-room where arrest processing is conducted because he had § 87(2)(b) property. Police Officer Specca could not see the desk from the arrest processing area, and did not have a view of § 87(2)(b) while she was in front of the desk. Later that day Police Officer Specca went into the cell area to ask § 87(2)(b) a question, which he could not recall at the time of her interview, and § 87(2)(b) in response said, “Get away from me. You beat me up.” § 87(2)(b) did not indicate how Police Officer Specca allegedly beat her up or when. He also did not observe any visible injuries on her at that time. Police Officer Specca was the only officer in the cell area at the time she made the statement. Police Officer Specca stated that he did not make any physical contact with § 87(2)(b) other than when they were at the scene and he placed her under arrest.

Sergeant Joshua stated that he was assigned to the desk when § 87(2)(b) was brought into the 48th Precinct stationhouse by Police Officer Amico. From the desk, Sergeant Joshua only had a view of Police Officer Amico and § 87(2)(b) from the waist up. While Police Officer Amico and § 87(2)(b) were in front of the desk, Police Officer Amico told her to keep still and she became physically aggressive by moving her arms right to left in a violent manner. Police Officer Amico, who was standing alongside of § 87(2)(b) in response extended one of his arms against § 87(2)(b) arm to keep her still but § 87(2)(b) did not comply with his instructions and continued to move her arms left and right in a “violent” manner, causing Police Officer Amico to “have to” forcibly restrain her. Sergeant Joshua could not recall how Police Officer Amico had to forcibly restrain her and could not recall if any officer assisted Police Officer Amico in restraining § 87(2)(b). Police Officer Joshua did not see Police Officer Amico strike § 87(2)(b) and could not recall if § 87(2)(b) ever went to the ground while she was in front of the desk. Sergeant Joshua did not see Police Officer Amico pull and twist § 87(2)(b) arm and did not see her pull her arm away from him at any point.

Sergeant Joshua could not recall seeing § 87(2)(b) grab onto Police Officer Amico’s vest but did see § 87(2)(b) grab the lower portion of Police Officer Amico’s body and he was later informed that during that time § 87(2)(b) grabbed Police Officer Amico’s genitals. In his memo book Sergeant Joshua noted that that § 87(2)(b) complained to him of pain to her back and stated that she made this statement after she violently resisted Police Officer Amico in front of the desk, but § 87(2)(b) never indicated how she sustained the pain to her back. § 87(2)(b) did not complain of any additional pain. An ambulance was called for Police Officer Amico and § 87(2)(b) was then transported to the hospital.

TRI § 87(2)(b), prepared by Police Officer Amico states that he shoved § 87(2)(b) to overcome resistance or aggression and to defend himself (Board Review 03).

§ 87(2)(a) 160.50

NYPD Patrol Guide Procedure 221-01 and 221-02 states that officers may use reasonable force under the circumstances to gain control of a person who is resisting. In determining whether the use of force is reasonable, members of service should consider the actions taken by the subject, the immediacy of the perceived threat or harm to subject, members of service, and/or bystanders, and whether the subject is actively resisting custody. Furthermore, the reasonableness of the use of force is based upon the totality of the circumstances known by the MOS at the time of the use of force (Board Review 02 and Board Review 07).

It is undisputed that Police Officer Amico used force against § 87(2)(b). Police Officer Amico stated the force he used against § 87(2)(b) was limited to him pushing her away after she said that she was going to spit on him, and pushing her a second time after she grabbed his genitals.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 04).
- Police Officer Amico has been a member of service for two years and has been a subject in two CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was unsuitable for mediation.
- § 87(2)(b) filed a Notice of Claim seeking \$1,000,000.00 in redress for pain and suffering, a violation of her constitutional rights, and punitive damages (Board Review 05).

- § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs)

- § 87(2)(b)

Squad No.: 2

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date